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Ramiro Liscano

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EXAMINER

SALL, EL HADJI MALICK

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/631,794	<b>Applicant(s)</b> LISCANO ET AL.	
	<b>Examiner</b> EL HADJI M. SALL	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/13/08</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

### **DETAILED ACTION**

1. This action is responsive to the amendment filed on February 13, 2008. Claims 1-9 and 11-18 are pending. Claims 1-9 and 11-18 represent role-based presence enabled service for communication system.

2. ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant discloses in claim 1 “a presentity user agent, a watch user agent, a presence service and a role manager are software”, in a system claim. There is no hardware in the body of the claim to realize any of the elements of the claims mentioned above Applicant considered as his system. Appropriate correction is required.

3. ***Claim Rejections - 35 USC § 102***

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**4.** Claims 1-8 and 11-12 are rejected under 35 U.S.C. 102(e) as being unpatentable by Godefroid et al. U.S. 6,697,840.

Godefroid teaches the invention as claimed including presence awareness in collaborative systems (see abstract).

As to claim 1, Godefroid teaches a system for providing role-based presentity availability information to a watcher, comprising:

at least one presentity user agent for issuing a request to register a Presentity in at least one of a plurality of roles, and for generating context messages relating to changes in context of said presentity (column 5, lines 50-62));

at least one watcher user agent for issuing a role-based subscription request for said availability information (column 8, lines 11-18);

a presence service for maintaining role-based watcher subscriptions and issuing availability messages in response to generation of said context messages (figure 1, item 109); and

a role manager for (i) receiving each request to register a Presentity in said at least one of said plurality of roles and in response managing presentity registration in said plurality of roles, and (ii) receiving each said role-based subscription request, and in response managing each role-based watcher subscription to said availability information within said Presence Service (figure 1).

As to claim 2, Godefroid teaches a system as claimed in claim 1, wherein said presence service comprises:

a shared database for publishing a subscribe event and a notification event in response to receiving each said subscription request and context message, respectively (figure 1, 105);

at least one presence agent for receiving said subscribe event and in response triggering a set of subscription policies that either confirm or reject each of said role-based Watcher subscriptions, and for receiving said notification event and in response

triggering a set of notification policies to selectively generate said availability messages (figure 1, 109).

As to claim 3, Godefroid teaches a system as claimed in 2, wherein said role manager is a role group manager for effecting user-centered management of roles by registering said presentity with said at least one presence agent in said at least one of said plurality of roles, and subscribing said Watcher within said least one presence agent to said presentity in said at least one of said plurality of roles (column 2, line 66 to column 3, line 8).

As to claim 4, Godefroid teaches a system as claimed in claim 3, wherein said role-based subscription request identifies said Presentity and includes a role definition therefor (column 2, lines 51-65).

As to claims 5 and 11, Godefroid teaches a system as claimed in claims 3 and 4 wherein each of said notification policies includes a role switch for Presentity control of availability in said at least one of said plurality of roles (column 7, line 62 to column 8, line 8).

As to claim 6, Godefroid teaches a system as claimed in claim 2, wherein said Role Manager is a Role Manager Service for effecting user-independent management of

roles by subscribing said Watcher to said at least one of said plurality of roles irrespective of said Presentity (column 2, line 66 to column 3, line 8).

As to claim 7, Godefroid teaches a system as claimed in claim 6, wherein said role-based subscription includes a role definition therefor (column 6, lines 33-44).

As to claims 8 and 12, Godefroid teaches a system as claimed in claims 6 and 7, wherein each of said notification policies includes a watcher switch for identifying said Watcher and a status line for controlling availability of said Presentity in said at least one of said plurality of roles (column 7, line 62 to column 8, line 8).

**5. *Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godefroid et al. U.S. 6,697,840 in view of Rostowfske et al. U.S. 6,735,717.

Godefroid teaches the invention substantially as claimed including presence awareness in collaborative systems (see abstract).

As to claims 9 and 13-18, Godefroid teaches a system as claimed in claims 2-8, respectively.

Godefroid fails to teach explicitly said shared database is a tuple space.

However, Rostowfske teaches distribution computing system clustering model provided soft real-time responsiveness and continuous availability. Rostowfske teaches shared database is a tuple space (column 4, lines 22-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Godefroid in view of Rostowfske to provide shared database is a tuple space. One would be motivated to do so to allow automatic load balancing.

7. ***Response to Arguments***



Applicant's arguments filed 02/13/08 have been fully considered but they are not persuasive.

(A) Applicant argues that claim 1 is statutory, and he traversed the rejection.

In regards to point (A), examiner respectfully disagrees.

There is no hardware in the body of the claim to realize any of the elements of the claim such as "presentity user agent..., watch user agent..., presence service..., and role manager..." Applicant considered as his system.

(B) Applicant argues that "roles" as discussed do not suggest the interaction between at least one present user agent, at least one watcher user agent, a presence service and a role manager....

In regards to point (B), examiner respectfully disagrees.

Column 5, lines 50-62, Godefroid discloses users interacting with other users...Customized admission control policies (i.e. "presentity user agent") dictating the rules for joining sessions...

Column 8, lines 11-18, Godefroid discloses...the PA Controller 106 (i.e."watcher user agent") for user 102 passes the request message to the PA Server 109...

Figure 1, item 109, Godefroid discloses the presence awareness (PA) server controls access to the PA database 105, and "maintaining role-based watcher subscription...."

In figure 1, Godefroid discloses in simplified block diagram form, details of a collaborative communications system 100 in which the invention may advantageously be employed. The collaborative communications system 100 (hereinafter referred to as Presence Awareness (PA) system) of FIG. 1 includes the following functions. It allows users to inquire about more sophisticated (and sensitive) kinds of presence information about others. It allows users to dynamically specify their presence awareness policies, in order to control others' access to their own presence information.

(C) Applicant argues that column 7, line 8, refers to "PA Server roles and how they coordinate with each other" which does not disclose the forgoing subject matter.

In regards to point (C), examiner respectfully disagrees.

Such column and line was not cited in claim 1.

(D) Applicant argues the respective references to column 5, lines 50-62, lines 11-18, Figure 1, item 109, and Figure 1 are submitted to not disclose the claimed at least one presentity user agent...in context of said presentity; at least one user agent...said availability information; a presence server...generation of said context messages; and a role manager...within said presence service.

In regards to point (D), examiner respectfully disagrees.

Column 5, lines 50-62, Godefroid discloses users interacting with other users...Customized admission control policies (i.e. "presentity user agent") dictating the rules for joining sessions...

Column 8, lines 11-18, Godefroid discloses...the PA Controller 106 (i.e."watcher user agent") for user 102 passes the request message to the PA Server 109...

Figure 1, item 109, Godefroid discloses the presence awareness (PA) server controls access to the PA database 105, and "maintaining role-based watcher subscription...."

In figure 1, Godefroid discloses in simplified block diagram form, details of a collaborative communications system 100 in which the invention may advantageously be employed. The collaborative communications system 100 (hereinafter referred to as Presence Awareness (PA) system) of FIG. 1 includes the following functions. It allows users to inquire about more sophisticated (and sensitive) kinds of presence information about others. It allows users to dynamically specify their presence awareness policies, in order to control others' access to their own presence information.

(E) Applicant argues it is submitted that a person of ordinary skill in the art would not consider column 5, lines 50-62, as set forth above, to teach the at least one presentity user agent for issuing a request to register a presentity in at least one of a plurality of roles.

In regards to point (E), examiner respectfully disagrees.

Column 5, lines 50-62, Godefroid discloses Users can interact with other users through collaborative communication, including for example, multi-party text chat. Users may initiate a collaborative communication session, invite others to join an existing session, request to participate in an existing session (i.e. "issuing a request to register (i.e. participating in a existing session) a presentity...), accept or decline others' requests to join a session, or leave a session. Once a user becomes a participant in a collaborative communication session, he or she can send messages to other users (in a multi-party text chat, for example, these messages will appear on other participants' screen. Customized admission control policies dictate the rules for joining sessions; for example, it may require the session initiator's consent, or a vote of all participants that shows the consent of the majority.

(F) Applicant argues it is submitted that the disclosure in column 8, lines 11-18 does not disclose "issuing a role-based subscription request as recited in the at least one watcher user agent limitation.

In regards to point (F), examiner respectfully disagrees.

Column 8, lines 9-18, Godefroid discloses The PA Server 109 stores the latest status of a user, and then notifies all participants (i.e. "notifying a role-based subscription request") of any update to anyone's availability status in accordance with the users' policies. When a user, for example 102, wants to check the availability of another user, for example 103, the PA Controller 106 for user

102 passes the request message to the PA Server 109. After querying the database, the PA Server 109 sends an available (user 103) or unavailable (user 103) message to user 102, depending on the actual availability of user 103 and in accordance with the policies of the user 102 and the user 103.

(G) Applicant argues that the description of the entities in figure 1 are submitted to not disclose the subject matter of the role manager.

In regards to point (G), examiner respectfully disagrees.

In figure 1, Godefroid discloses a presence awareness controller (PA Controller), namely, PA Controller 106 associated with user interface 102, PA Controllers 107-1 through 107-N associated with user interfaces 103-1 through 103-N, respectively, PA Controllers 108-1 through 108-Y associated with user 104-1 through 104-Y, respectively, and PA server 109 associated with PA database 105 (and PA controller and PA server roles and how they coordinate with each other (column 7, lines 8-9). Each PA Controller 106, 107 and 107 includes a processor implementing an inference engine, database and storage (role units) for storing presence awareness policy specifications. The database provides an associate memory for capturing and recording state information regarding the associated user during an ongoing collaboration. Additionally, the system allows run-time changes to the roles in collaboration, including modifications to the associated presence awareness policies. The PA system indeed discloses the subject matter of the role manager.

(H) Applicant argues that Godefroid et al. do not make passing references to "roles".

In regards to point (H), examiner respectfully disagrees.

In column 7, lines 8-9, Godefroid discloses PA controller and PA server roles and how they coordinate with each other.

(I) Applicant argues the description of the PA Server 109 in column 7, line 5, as discussed above, is submitted to not meet the claimed at least one present agent.

In regards to point (I), examiner respectfully disagrees.

In column 7, lines 5-15, Godefroid disclose PA Server 109 controls access to the PA Database 105. Note that specifying coordination policies is equivalent to defining the behavior of the PA Controller and the PA Server roles (i.e. "agent") and how they coordinate with each other. Each PA Controller and/or PA Server has three so-called gates, i.e., channels: g.sub.in to receive messages from its associated user interface (or database), g.sub.out to send messages to its associated user interface (or database), and g.sub.remote to communicate messages with other PA Controllers and/or PA Servers. Since channel g.sub.remote is defined on the collaboration bus 110, it can be used to both send and receive PA controller and PA server roles and how they coordinate with each other.

(J) Applicant argues it is submitted that there is no disclosure therein of any role manager or role group manager for "effecting user-centered management of roles",

"registering said presentity...in said at least one of said plurality of roles" or "subscribing said watcher...to said presentity in said at least one of said plurality of roles" as recited in claim 3.

In regards to point (J), examiner respectfully disagrees.

In column 7, lines 5-15, Godefroid discloses PA Server 109 controls access to the PA Database 105. Note that specifying coordination policies is equivalent to defining the behavior of the PA Controller and the PA Server roles (i.e. "effecting user-centered management of roles....") and how they coordinate with each other.

(K) Applicant argues it is submitted that there is no teaching of notification policies including a "role switch for presentity control of availability in said at least one of said plurality of roles" as recited in claims 5 and 11.

In regards to point (K), examiner respectfully disagrees.

In column 7, line 62 to column 8, line 8, Godefroid discloses when a user logs on to the Presence Awareness system 100, his or her previous anonymity and access settings are retrieved from the database. All the availability checking and notifications are performed by the database. For example, the four messages login, logout, screensaver (on), and screensaver(off) modify the availability of a participant ("availability of plurality of roles"). These messages are sent from a user interface to its PA Controller 106, 107 or 108, which passes them along to the PA Server 109. Upon receipt of any of these four messages, the PA Server 109 queries the PA Database 105 to determine the availability of the participant in question. In particular, a user is

said to be available if and only if the user has not logged out since the last login, and either the screen saver has not gone on since the last time it went off or it has always been off.

(L) Applicant argues it is submitted that there is no disclosure therein of role-based subscription including a role definition therefore.

In regards to point (L), examiner respectfully disagrees.

In column 6, lines 33-44, Godefroid discloses one often defines implicit rules (i.e. "role definition") and explicit rules instead. For example, the implicit rule is, when the door of a user say X is open, in general, any other users can send X an invitation to join a collaborative session; and when X's door is closed, in general, nobody can send X the invitation. To explicitly exclude a user say j from sending an invitation to user i even if i's door is open, the following exception rule can be set door.sup.<i>i</i> (open).fwdarw.[character pullout]invite.sup.<i>j</i>.

(M) Applicant argues that the Examiner neither explains how the different limitations of claims 3 and 6 are anticipated by the same portion of Godefroid et al. nor how the limitations of claims 8 and 12 are anticipated.

In regards to point (M), examiner respectfully disagrees.

In column 7, line 62 to column 8, line 8, Godefroid discloses when a user logs on to the Presence Awareness system 100, his or her previous anonymity and access settings are retrieved from the database. All the availability checking and notifications



("notification policies...") are performed by the database. For example, the four messages login, logout, screensaver (on), and screensaver(off) modify the availability of a participant ("controlling availability..."). These messages are sent from a user interface to its PA Controller 106, 107 or 108, which passes them along to the PA Server 109. Upon receipt of any of these four messages, the PA Server 109 queries the PA Database 105 to determine the availability of the participant in question. In particular, a user is said to be available if and only if the user has not logged out since the last login, and either the screen saver has not gone on since the last time it went off or it has always been off.

(N) Applicant argues that It is submitted that Rostowfske et al do not relate to presentity systems and therefore, a person of ordinary skill in the art would not rely upon Rostowfske et al as teaching a tuple space to modify Godefroid et al to arrive at the subject matter of claims 9 and 13-18 except by a hindsight reconstruction of the Applicants' invention.

In regards to point (N), examiner respectfully disagrees.

In column 4, lines 22-53, Rostowfske discloses ...providing a permanent archive of the tuple space to be accessed (i.e. "shared database is a tuple space").... It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Godefroid in view of Rostowfske to provide shared database is a tuple space. One would be motivated to do so to allow automatic load balancing.

**8. Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure

relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/El Hadji M Sall/

Examiner, Art Unit 2157

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157

